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DRAFT RULES OF PROCEDURE OF THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF

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Introductory note

1. The present draft Rules of Procedure were prepared by the Secretariat at the request of the Meeting of States Parties.

2. In the preparation of the draft Rules, the Secretariat endeavoured to reflect the relevant provisions of the United Nations Convention on the Law of the Sea, in particular, article 76 and Annex II. In addition, the rules of procedure of several existing bodies or committees created by multilateral treaties adopted under United Nations auspices have been used as bases for some of the draft Rules.

3. It should be noted that the issues addressed in the draft Rules were not discussed in the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea or any other forum.

DRAFT RULES OF PROCEDURE OF THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF

I. INTRODUCTION

Rule 1

Use of terms

For the purposes of these rules:

"Convention" means the 1982 United Nations Convention on the Law of the Sea;

"Commission" means the Commission on the Limits of the Continental Shelf, established in accordance with article 76 and Annex II of the Convention;

"Secretary-General" means the Secretary-General of the United Nations;

"Secretariat" means the Secretariat of the United Nations;

"States Parties" means States Parties to the 1982 United Nations Convention on the Law of the Sea;

"Meeting of States Parties" means a meeting of States Parties to the Convention convened in accordance with the relevant provisions of the Convention.

II. MEETINGS

Rule 2

Meetings

1. The Commission shall meet as often as is required for the effective performance of its functions under the Convention, in particular, to consider submissions by coastal States and to make recommendations thereon.

2. Taking into account financial considerations that may influence the frequency of its meetings, the Commission shall be convened:

(a) upon the request of the Chairman of the Commission;

(b) upon the request of a majority of the members of the Commission;

(c) upon the request of the Secretary-General;

(d) by decision of the Commission.

Rule 3

Notification of opening date of the meeting

The Secretary-General shall notify the members of the Commission of the date, place and duration of the meeting as soon as possible but no later than 30 days in advance of the opening date of the meeting. If the meeting was requested to be convened in accordance with rule 50, the notification shall contain the names of any members of the Commission who have provided the coastal State with scientific and technical advice. The coastal State making the submission shall also be notified.

Rule 4

Venue of meetings

1. Meetings of the Commission and its subcommissions shall normally be held at United Nations Headquarters.

2. Another venue for a meeting may be designated by the Commission in consultation with the coastal State which made the submission concerned and the Secretary-General, subject to the requirements established by the United Nations provided that no additional costs are directly or indirectly incurred by the United Nations.

Rule 5

Agenda

1. The provisional agenda of each meeting shall be prepared by the Secretary-General in consultation with the Chairman of the Commission.

2. The Secretary-General shall transmit the provisional agenda to the members of the Commission together with the notification referred to in rule 3.

3. The Commission may include in its agenda any other item relevant or necessary to the effective performance of its functions.

4. The Commission shall adopt the agenda at the beginning of the meeting.

5. During a meeting, the Commission may revise the agenda and may, as appropriate, add, defer or delete items.

III. MEMBERS OF THE COMMISSION

Rule 6

Members

In accordance with article 2, paragraph 1, of Annex II of the Convention, the Commission shall consist of 21 members who shall be experts in the field of geology, geophysics or hydrography, elected by States Parties from among their nationals, having due regard to the need to ensure equitable geographical representation, who shall serve in their personal capacities.

Rule 7

Term of office

1. In accordance with article 2, paragraph 4, of Annex II of the Convention, the members of the Commission shall be elected for a term of five years and they shall be eligible for re-election.

2. The members of the Commission elected at the first election shall begin their term of office on the date of the first meeting of the Commission.

3. The term of office of the members of the Commission elected at subsequent elections shall begin on the day after the date of expiry of the term of office of the members of the Commission whom they replace.

Rule 8

By-elections

If a member of the Commission dies or resigns or for any other cause can no longer perform his or her duties, the Meeting of States Parties will, in accordance with article 76 and Annex II of the Convention, elect a member for the remainder of the predecessor's term.

Rule 9

Expenses of members

In accordance with article 2, paragraph 5, of Annex II of the Convention:

(a) the State Party which submitted the nomination of a member of the Commission shall defray the expenses of that member while in performance of Commission duties;

(b) the coastal State concerned shall defray the expenses incurred in respect of the scientific and technical advice referred to in article 3, paragraph 1 (b), of Annex II of the Convention.

Rule 10

Solemn declaration

Before assuming his or her duties, each member of the Commission shall make the following solemn declaration in the Commission:

"I solemnly declare that I will perform my duties and exercise my powers as a member of the Commission on the Limits of the Continental Shelf honourably, faithfully, impartially and conscientiously."

IV. OFFICERS

Rule 11

Elections

The Commission shall elect from among its members a Chairman, three Vice-Chairmen and a Rapporteur.

Rule 12

Term of office

The officers of the Commission shall be elected for a term of two and a half years. They shall be eligible for re-election.

Rule 13

Acting Chairman

1. If the Chairman is absent from a meeting or any part thereof, he or she shall designate one of the Vice-Chairmen to act in his or her place.

2. A Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.

Rule 14

Replacement of officers

If any of the officers of the Commission ceases to be, or declares his or her inability to continue serving as, a member of the Commission or for any reason is no longer able to act as an officer, a new officer shall be elected for the unexpired term of his or her predecessor.

V. SECRETARIAT

Rule 15

Duties of the Secretary-General

1. The Secretary-General shall act in that capacity in all meetings of the Commission, its subcommissions and any subsidiary bodies which it may establish. The Secretary-General may designate a member of the Secretariat to participate on his behalf.

2. The Secretary-General shall be responsible for making the arrangements related to the meetings of the Commission, its subcommissions and any subsidiary bodies which it may establish and shall provide and direct the staff required by such meetings.

3. The Secretariat shall perform all work that the Commission may require for the effective performance of its functions.

Rule 16

Statements by the Secretariat

The Secretary-General or any member of the Secretariat designated by him may make oral or written statements at any meeting of the Commission.

Rule 17

Financial implications of proposals

Before any proposal that involves expenditures is approved by the Commission, the Secretary-General shall prepare and circulate to the members of the Commission, as early as possible, an estimate of the cost involved in the proposal. The Chairman shall draw the attention of members to this estimate and invite discussion on it when the proposal is considered by the Commission or its subsidiary body.

VI. LANGUAGES

Rule 18

Official and working languages

The official and the working languages of the Commission shall be Arabic, Chinese, English, French, Russian and Spanish.

Rule 19

Interpretation

Speeches made in any of the languages of the Commission shall be interpreted into the other languages.

Rule 20

Interpretation from a language other than the languages of the Commission

Any person may make a speech in a language other than the languages of the Commission. In this case, he or she shall provide for interpretation into one of the languages of the Commission. Interpretation into the other languages of the Commission by the interpreters may be based on the interpretation given in the first such language.

Rule 21

Languages of recommendations and other documents

1. All recommendations shall be published in the languages of the Commission.

2. Other documents shall not be published in the languages of the Commission unless otherwise decided by the Commission.

VII. PUBLIC AND PRIVATE MEETINGS

Rule 22

Public and private meetings

The meetings of the Commission, its subcommissions and subsidiary bodies shall be held in private, unless the Commission decides otherwise with the consent or upon the request of the coastal State whose submission is being considered.

VIII. CONDUCT OF BUSINESS

Rule 23

Quorum

Two thirds of the members of the Commission shall constitute a quorum.

Rule 24

Powers of the Chairman

1. In addition to exercising the powers conferred upon him or her elsewhere by these rules, the Chairman shall declare the opening and closing of each meeting of the Commission, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairman shall rule on points of order and, subject to these rules of procedure, shall have complete control over the proceedings and over the maintenance of order thereat. He or she may propose to the Commission the limitation of time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers, the adjournment or closure of the debate and the suspension or adjournment of a meeting.

2. The Chairman, in the exercise of his or her functions, remains under the authority of the Commission.

Rule 25

Points of order

During the discussion of any matter, a member may at any time raise a point of order, which shall be immediately decided by the Chairman in accordance with the present rules. Any appeal against the ruling of the Chairman shall be immediately put to the vote, and the ruling of the Chairman shall stand unless overruled by a majority of the members present and voting. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 26

Time-limit on speakers

The Commission may limit the time allowed to each speaker on any question. When debate is limited and a speaker exceeds the allotted time, the Chairman shall call the speaker to order without delay.

Rule 27

Closure of debate

During the discussion of any matter, a member may move the closure of the debate on the item under discussion, whether or not any other speaker has signified a wish to speak. Permission to speak on the closure of the debate shall be accorded only to two members opposing the closure, after which the motion shall be immediately put to the vote.

Rule 28

Adjournment of debate

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, one member may speak in favour of and one against the motion, after which the motion shall be immediately put to the vote.

Rule 29

Suspension or adjournment of the meeting

During the discussion of any matter, a member may move the suspension or adjournment of the meeting. No discussion on such motions shall be permitted, and they shall be immediately put to the vote.

Rule 30

Order of motions

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) to suspend the meeting;

(b) to adjourn the meeting;

(c) to adjourn the debate on the question under discussion;

(d) to close the debate on the question under discussion.

Rule 31

Submission of recommendations and other proposals

Recommendations and other proposals shall be submitted in writing to the Chairman of the Commission and copies thereof shall be circulated to all members of the Commission.

Rule 32

Decisions on competence

Any motion calling for a decision on the competence of the Commission to adopt a proposal submitted to it shall be put to the vote before a decision is taken on the proposal in question.

Rule 33

Reconsideration of recommendations and proposals

When a recommendation or proposal has been adopted or rejected, it may not be reconsidered unless the Commission, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing reconsideration, after which the motion shall be immediately put to the vote.

IX. VOTING

Rule 34

General agreement

The Commission shall make its best endeavours to ensure that the work of the Commission is accomplished by general agreement.

Rule 35

Voting rights

Each member of the Commission shall have one vote.

Rule 36

Majority required

1. Subject to rule 34, decisions of the Commission on all matters of substance, including the establishment of the subcommissions and the approval by the Commission of the recommendations of the subcommissions, shall be taken by a two-thirds majority of the members present and voting.

2. Except as otherwise provided in these rules, decisions of the Commission on all matters of procedure shall be taken by a majority of the members present and voting.

3. If the question arises whether a matter is one of procedure or of substance, the Chairman of the Commission shall rule on the question. An appeal against this ruling shall be put to the vote immediately, and the Chairman's ruling shall stand unless overruled by a majority of the members present and voting.

4. If a vote is equally divided on a matter other than an election, the proposal or motion shall be regarded as rejected.

5. For the purpose of these rules, the phrase "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting shall be regarded as not voting.

Rule 37

Method of voting

1. Except as provided in rule 39, the Commission shall normally vote by show of hands.

Rule 38

Conduct during voting

After the Chairman has announced the commencement of voting, no member shall interrupt the voting except on a point of order in connection with the process of voting.

Rule 39

Election of officers

1. All elections shall be held by secret ballot unless, in the absence of any objection, the Commission decides to proceed without taking a ballot when there is an agreed candidate or slate.

2. A single ballot shall be taken in respect of all places to be filled at one time under the same conditions. Those candidates, in a number not exceeding the number of places to be filled, obtaining a majority of the votes cast and the largest number of votes, shall be elected.

3. If the number of candidates obtaining such a majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot to a number not more than twice the places remaining to be filled.

4. If a tie vote between two or more candidates persists for two successive ballots, a decision shall be taken between them by lot drawn by the Chairman.

X. SUBCOMMISSIONS AND OTHER SUBSIDIARY BODIES

Rule 40

Subcommissions

1. Unless the Commission decides otherwise, the Commission shall establish a subcommission composed of seven members of the Commission for the consideration of each submission by a coastal State.

2. Nationals of the coastal State making the submission who are members of the Commission and any Commission member who has assisted a coastal State by providing scientific and technical advice with respect to the delineation shall not be a member of the subcommission dealing with that submission but has the right to participate as a member in the proceedings of the Commission concerning the said submission.

Rule 41

Other subsidiary bodies

The Commission may establish such other subsidiary bodies as may be required for the effective performance of its functions.

Rule 42

Conduct of business

1. Each subcommission or other subsidiary body established by the Commission shall elect its own Chairman, a Vice-Chairman and a Rapporteur.

2. The present rules of procedure apply mutatis mutandis to the conduct of business of the subcommissions and other subsidiary bodies.

XI. SUBMISSION BY A COASTAL STATE

Rule 43

Submission by a coastal State

In accordance with article 4 of Annex II of the Convention:

(a) where a coastal State intends to establish the outer limits of its continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, it shall submit particulars of such limits to the Commission along with supporting scientific and technical data as soon as possible but in any case within 10 years of the entry into force of the Convention for that State;

(b) the coastal State shall at the same time give the names of any Commission members who have provided it with scientific and technical advice.

Rule 44

Delimitation of boundaries between States with opposite or adjacent coasts

1. In case there is a dispute on delimitation of the continental shelf with opposite or adjacent States, the coastal State making a submission shall inform the Commission of such a dispute.

2. The actions of the Commission shall not prejudice matters relating to delimitation of boundaries between States with opposite or adjacent coasts.

Rule 45

Form and language of submission

1. A submission shall conform to the requirements established by the Commission.

2. A submission shall be addressed to the Chairman of the Commission and submitted to him or her through the Secretary-General.

3. A submission shall be made in one of the official languages of the Commission and shall be translated into the other languages of the Commission. Annexes, attachments and other materials supporting the submission shall be made in one of the official languages of the Commission but shall not be translated into the other languages unless the Commission so decides.

Rule 46

Recording of the submission

1. Each submission shall be recorded by the Secretary-General upon receipt.

2. The record shall contain the date of receipt of the submission, a list of attachments and annexes thereto and the date of entry into force of the Convention for the coastal State which made the submission.

Rule 47

Acknowledgement of the receipt of the submission

The Secretary-General shall promptly acknowledge by letter to the coastal State the receipt of its submission and attachments and annexes thereto, specifying the date of receipt.

Rule 48

Communication of the receipt of the submission

The Secretary-General shall promptly notify the Commission of the receipt of a submission.

Rule 49

Safe custody of the submission

The Secretary-General shall ensure the safe custody of the submission and the attachments and annexes thereto at United Nations Headquarters until such time as they are required by the Commission.

Rule 50

Consideration of the submission

1. Upon notification of the receipt of a submission by the Secretary-General, the Chairman of the Commission shall promptly request the Secretary-General to convene a meeting of the Commission to consider the submission.

2. Unless it decides otherwise, the Commission shall establish a subcommission in accordance with rule 40 for the consideration of each submission.

3. The recommendations of the subcommission shall be submitted in writing to the Commission.

Rule 51

Attendance by the coastal State at examination of submission

The Commission shall, through the Secretary-General, notify the coastal State which has made a submission, no later than thirty days prior to the opening date of the meeting, of the date and place of the meeting at which the submission will be examined. The coastal State shall be invited to participate in the relevant proceedings without the right to vote.

Rule 52

Recommendations of the Commission

1. In accordance with article 6, paragraph 3, of Annex II of the Convention, the recommendations of the Commission on matters related to the establishment of the outer limits of the continental shelf shall be submitted in writing to the coastal State which made the submission and to the Secretary-General.

2. In the case of disagreement by the coastal State with the recommendations of the Commission, the coastal State shall, in accordance with article 8 of Annex II of the Convention, within a reasonable time, make a revised or new submission to the Commission.

Rule 53

Due publicity

The coastal State shall deposit with the Secretary-General charts and relevant information, including geodetic data, permanently describing the outer limits of its continental shelf. The Secretary-General shall give due publicity thereto.

XII. COOPERATION WITH COMPETENT INTERNATIONAL ORGANIZATIONS

Rule 54

Cooperation with competent international organizations

The Commission may cooperate, to the extent considered necessary and useful, with the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Hydrographic Organization and other competent international organizations with a view to exchanging scientific and technical information which might be of assistance in discharging the Commission's responsibilities.

XIII. AMENDMENTS TO RULES OF PROCEDURE

Rule 55

Amendments to rules of procedure

These rules may be amended by a decision of the Commission taken by a two-thirds majority of the members of the Commission provided such amendment is not inconsistent with the Convention.